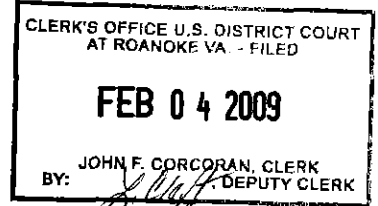


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



TOBIAS RUSH,

Plaintiff,

v.

B. WATSON, WARDEN, ET AL.,

Defendant(s).

)
)
)
) Case No. 7:09CV00001
)
)
) FINAL ORDER
)
) By: Glen E. Conrad
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that this civil rights action, pursuant to 42 U.S.C. § 1983, is hereby **DISMISSED** without prejudice, pursuant to 42 U.S.C. § 1997e(a), for failure to exhaust available administrative remedies properly; plaintiff's other pending motions are **DENIED**, and this action is stricken from the active docket of the court.

ENTER: This 4th day of February, 2009.

A handwritten signature in cursive script, appearing to read "Glen E. Conrad".

United States District Judge